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SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLANS

1. THE DEPARTMENT HAS RECENTLY INSTITUTED A BROADSCALE EFFORT, LED BY THE DEPUTY SECRETARY, TO IMPLEMENT THE ADMINISTRATION'S HUMAN RIGHTS POLICY AS EFFECTIVELY AS POSSIBLE IN THE FULL RANGE OF U.S. DIPLOMATIC ACTIVITIES. THIS EFFORT, WHICH IS TO INVOLVE ALL RELEVANT BUREAUS OF THE DEPARTMENT AND ALL U.S. POSTS ABROAD, IS PREMISED UPON THE COMPREHENSIVE STATEMENT OF POLICY SET FORTH IN THE SECRETARY'S LAW DAY SPEECH AT ATHENS, GA., ON APRIL 30, TEXT OF WHICH POSTS HAVE RECEIVED.

2. ONE OF THE PRINCIPAL COMPONENTS OF THIS BROAD IMPLEMENTATION EFFORT IS THE DEVELOPMENT OF SPECIFIC PROPOSED COURSES OF ACTION WITH RESPECT TO EACH COUNTRY. THESE INDIVIDUAL COUNTRY ACTION-PLANS ARE TO ENABLE US TO DETERMINATE THE MOST APPROPRIATE COURSE OF ACTION FOR EACH COUNTRY. THESE INDIVIDUAL COUNTRY ACTION-PLANS ARE TO BE DETERMINED ON A CASE-BY-CASE BASIS. THIS MESSAGE IS BEING CLASSIFIED CONFIDENTIAL.

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MINE WHERE WE SHOULD CONCENTRATE OUR ATTENTION.

3. POSTS WILL SOON BE RECEIVING A CIRCULAR CABLE, BEING COORDINATED BY S/P AND THE OFFICE OF THE DEPARTMENT'S COORDINATOR FOR HUMAN RIGHTS (D/HA), WHICH IS TO PROVIDE "QUESTIONS AND ANSWERS" ON HUMAN RIGHTS AND OTHER BACKGROUND INFORMATION, AND WHICH ALSO WILL REQUEST ALL POSTS TO

PROVIDE SPECIFIC RECOMMENDATIONS ON HOW THE U.S. CAN HELP PROMOTE HUMAN RIGHTS IN THE HOST COUNTRY OR WORK WITH THE

HOST COUNTRY TO FURTHER HUMAN RIGHTS ELSEWHERE.

4. IN THE MEANTIME, EUR AND ALL OTHER REGIONAL BUREAUS HAVE BEEN REQUESTED TO DRAW UP INDIVIDUAL COUNTRY ACTION PLANS FOR EACH COUNTRY COVERED BY THE BUREAU. THESE PLANS ARE TO DESCRIBE THE CURRENT CONDITION OF HUMAN RIGHTS, THE EXTENT OF VIOLATIONS, THEIR FREQUENCY AND INTENSITY, AND THE POLICIES AND ATTITUDES OF THE HOST GOVERNMENT. THE PLANS, WHICH ARE TO INCORPORATE SUGGESTIONS FROM THE FIELD, ARE TO INCLUDE SPECIFIC RECOMMENDATIONS FOR U.S. ACTION DURING THE NEXT SIX MONTHS AND SHOULD BE UPDATED EVERY SIX MONTHS, OR MORE FREQUENTLY, IF NEW DEVELOPMENTS SO REQUIRE. THE DEPUTY SECRETARY HAS REQUESTED THAT THE ACTION PLANS PAY PARTICULAR ATTENTION TO PROPOSING POSITIVE WAYS TO FOSTER HUMAN RIGHTS.

5. EUR/EE HAS PREPARED INITIAL DRAFT ACTION PLANS FOR EACH OF OUR COUNTRIES, BASED ON INFORMATION AVAILABLE HERE AND FOLLOWING A STANDARD FORMAT WHICH HAS BEEN DISTRIBUTED THROUGHOUT THE DEPARTMENT BY D/HA FOR THIS PURPOSE. (SEP-TEL WILL PROVIDE TEXT OF THIS STANDARD FORMAT FOR YOUR INFORMATION AND USE.) TEXT OF OUR DRAFT PLAN, WHICH IS PRELIMINARY AND DOES NOT RPT NOT HAVE EUR SIXTH FLOOR CLEARANCE, FOLLOWS.

6. ACTION REQUIRED. WE REQUEST EMBASSY'S ADDITIONS AND CONFIDENTIAL

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COMMENTS ON DRAFT PLAN, AND -- MOST IMPORTANTLY -- SUGGESTIONS FOR ACTIONS WE CAN EFFECTIVELY UNDERTAKE BILATERALLY DURING THE COMING SIX MONTHS AND BEYOND. SINCE WE ARE WORKING UNDER A VERY TIGHT DEADLINE, WE WILL REQUIRE POST'S RESPONSE NO LATER THAN OPENING OF BUSINESS ON FRIDAY, JUNE 3.

7. BEGIN DRAFT TEXT:

A. CONDITION OF HUMAN RIGHTS IN POLAND

1. IN POLAND THERE IS A RELATIVELY HIGH DEGREE OF RESPECT FOR THE INTEGRITY OF THE PERSON, PARTICULARLY IN COMPARISON WITH THE SITUATION ELSEWHERE IN EASTERN EUROPE: SO FAR AS WE ARE AWARE, THERE IS NO TORTURE; NO CRUEL, INHUMAN OR DEGRADING PUNISHMENT; NO ARREST WITHOUT CHARGES. HOWEVER, THE POLICE MAY HOLD PEOPLE FOR UP TO 48 HOURS WITHOUT BRINGING CHARGES, AND PRISONERS CAN BE KEPT FOR UP TO 90 DAYS OF "PROTECTIVE CUSTODY" WITHOUT TRIAL; FREEDOM IN THE HOME FROM ENTRY AND SEARCH IS AT BEST QUALIFIED;

AND IT IS QUESTIONABLE WHETHER FAIR PUBLIC TRIALS CAN BE ASSURED IN CASES INVOLVING CHARGES OF POLITICAL CRIMES.

2. THERE IS ALSO GREATER RESPECT FOR CIVIL AND POLITICAL LIBERTIES IN POLAND THAN IN MOST COMMUNIST SOCIETIES. THE CATHOLIC CHURCH COMMANDS A VERY STRONG POSITION, CHURCH ATTENDANCE IS HIGH, AND ACTIVITY BY OTHER RELIGIOUS FAITHS IS ALSO TOLERATED. INTELLECTUALS AND STUDENTS GENERALLY ENJOY A FAVORED PLACE IN POLISH SOCIETY; EXPRESSION OF PERSONAL OPINION IS RELATIVELY OPEN, BUT ACCESS TO THE MEDIA IS STRICTLY CONTROLLED. FREEDOM OF ASSEMBLY IS LIMITED. WHILE OTHER POLITICAL PARTIES ARE PERMITTED REPRESENTATION IN PARLIAMENT IN ADDITION TO THE RULING COMMUNIST POLISH UNITED WORKERS' PARTY, THEY DO NOT PARTICIPATE SIGNIFICANTLY IN THE POLITICAL PROCESS AND DO NOT

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REPRESENT A MEANINGFUL ALTERNATIVE OR POTENTIAL OPPOSITION TO THE COMMUNIST PARTY. THERE IS FREEDOM OF MOVEMENT WITHIN THE COUNTRY. TRAVEL OUTSIDE THE COUNTRY FOR BUSINESS, TOURISM AND ON EDUCATIONAL EXCHANGES HAS INCREASED MARKEDLY IN THE LAST FEW YEARS. IN RECENT YEARS, EMIGRATION TO THE US HAS BEEN SHARPLY CURTAILED AS A MATTER OF NATIONAL POLICY, ALTHOUGH THERE EXISTS A MAJOR POLISH-FRG AGREEMENT ON THE EMIGRATION OF 120,000 ETHNIC GERMANS DURING 1975-79. FAMILY REUNIFICATION IN THE UNITED STATES REPRESENTS BY FAR THE MOST SERIOUS BILATERAL PROBLEM FOR THE U.S.

3. RECENT REGIME POLICIES HAVE FAVORED INCREASED ATTENTION TO THE NEED FOR BETTER HOUSING, MORE CONSUMER ITEMS IN THE STORES, AND ADEQUATE SUPPLIES OF FOOD, INCLUDING IMPORTED ITEMS, PARTICULARLY AT HOLIDAY PERIODS. ALTHOUGH BASIC NEEDS ARE MET ADEQUATELY, THE POLISH GOVERNMENT HAS BEEN HARD PUT TO MEET THE PUBLIC'S RISING EXPECTATIONS. FREE HEALTH CARE REMAINS ADEQUATE; EDUCATIONAL FACILITIES ARE GOOD. THE OFFICIALLY "CLASSLESS SOCIETY" HAS IN FACT CREATED A PRIVILEGED ELITE, AND IT ALSO FAVORS THE INDUSTRIAL WORKER AND DISCRIMINATES AGAINST THE PRIVATE FARMER. THERE IS NO SERIOUS UNEMPLOYMENT PROBLEM, BUT POVERTY DOES EXIST. CORRUPTION IS ENDEMIC AND THE BLACK MARKET A WAY OF LIFE--WHILE NOT SUCH AS TO DEPRIVE A MAJORITY OF THE POPULATION OF RESOURCES THEY WOULD OTHERWISE ENJOY, THE EFFECT IS THAT UNAUTHORIZED SYSTEMS OUTSIDE OFFICIAL CHANNELS OPERATE TO DISTRIBUTE MANY SCARCE COMMODITIES.

4. THE GIEREK REGIME CAME TO POWER OVER SIX YEARS AGO ON A WAVE OF POPULARITY. THERE HAS BEEN AN INEVITABLE PUBLIC DISENCHANTMENT AS THE COUNTRY'S POLICY OF RAPID INDUSTRIALIZATION HAS COMMANDED TOP PRIORITY FOR THE USE OF FOREIGN EXCHANGE--TO THE PARTICULAR DETRIMENT OF CONSUMERISM AND

AGRICULTURE. THE POLISH GOVERNMENT AND PARTY HAVE BEEN

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INORDINATELY RESPONSIVE TO THE DEMANDS OF THE INDUSTRIAL WORKERS SINCE GOMULKA'S FALL FROM POWER IN 1970 BECAUSE OF RIOTING BY SHIPYARD WORKERS AND AFTER THE PRICE-RISE RIOTS IN 1976. THE GIEREK LEADERSHIP HAS HAD TO CONTEND WITH GROWING INTELLECTUAL DISSENT OVER HUMAN RIGHTS SHORTCOMINGS --DISSENT ENCOURAGED BY THE HELSINKI FINAL ACT--DESPITE REDUCED INTERNAL REPRESSION, FREER TRAVEL OUTSIDE THE COUNTRY, AND MORE OPEN ACCESS TO NEWS AND THOUGHT FROM THE WEST. IT BELIEVES THAT ORGANIZED DISSENT, IF PERMITTED TO GROW, WILL DEVELOP INTO AN OPPOSITION MOVEMENT AND THREATEN THE STABILITY OF THE REGIME. IN ORDER TO PREVENT THE DISSENT WORKER'S DEFENSE LEAGUE (WDL) FROM CAPITALIZING ON UNIVERSITY UNREST AND COORDINATING FUTURE STUDENT DEMONSTRATIONS, THE REGIME IMPRISONED SIX WDL LEADERS IN MAY 1977.

5. THE POLISH GOVERNMENT HAS NOT IN THE PAST BEEN PRESSED TO ACCEPT AN INDEPENDENT INVESTIGATION FROM THE OUTSIDE ON ANY CHARGES OF HUMAN RIGHTS VIOLATIONS. IT WOULD REJECT ABSOLUTELY ANY SUCH REQUEST AS ANTI-POLISH PROPAGANDA AND AS AN ATTEMPT TO INTERFERE IN POLAND'S INTERNAL AFFAIRS.

B. ANALYSIS AND RECOMMENDATIONS

1. LEGITIMATE US OBJECTIVES

(A) THE PRIMARY U.S. HUMAN RIGHTS OBJECTIVE IN OUR RELATIONS WITH POLAND OVER THE NEXT THREE, SIX AND TWELVE MONTHS IS TO IMPROVE POLISH RESPONSIVENESS TO OUR INITIATIVES IN SUPPORT OF APPLICATIONS BY POLISH CITIZENS FOR PASSPORTS TO LEAVE POLAND AND JOIN FAMILY MEMBERS LIVING IN THIS COUNTRY. CONSIDERABLE IMPROVEMENT IN POLISH ISSUANCE IS FEASIBLE SINCE THE POTENTIAL ECONOMIC IMPACT ON POLAND WOULD BE NEGLIGIBLE IF ALL THE INDIVIDUALS IN THE MOST PROMISING CATEGORY OF CLOSE FAMILY MEMBERS--247 IN NUMBER--WERE TO DEPART AND SCARCELY MORE NOTICEABLE IF CONFIDENTIAL

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ALL THE OTHER, LESS IMMEDIATE FAMILY MEMBERS-2467 IN NUMBER

-- WERE TO LEAVE POLAND. OUR LEVERAGE OVER THE POLES IS LIMITED; IT CONSISTS PRINCIPALLY OF THE PRESSURE EXERTED BY OUR FORMAL AND INFORMAL IMPORTUNING, ESPECIALLY BY HIGH-LEVEL OFFICIALS AND MEMBERS OF CONGRESS, BY THE USE OF THE BELGRADE CSCE MEETINGS TO FOCUS ATTENTION ON SHORTCOMINGS IN THE POLISH IMPLEMENTATION OF HELSINKI FINAL ACT PROVISIONS, AND BY THE PUBLIC AND MEDIA TREATMENT OF THE

POLES' HANDLING OF DIVIDED FAMILY CASES. THREATS OF ECONOMIC SANCTIONS (E.G., OF REFUSING THE POLES' REQUESTS

FOR CCC AGRICULTURAL CREDITS OR EXIM BANK CREDITS) RUN THE RISK OF TURNING THE POLES AWAY FROM THEIR "OPENING TO THE WEST" AND OF WEAKENING THE PRIMARY GOAL OF OUR POLICY TOWARD POLAND--MAXIMUM POSSIBLE POLISH INDEPENDENCE FROM THE SOVIET UNION-- AND IS THEREFORE NOT CONSIDERED TO BE A DESIRABLE OPTION.

(B) A MORE GENERAL OBJECTIVE IS TO MAKE CLEAR OUR DEEP COMMITMENT TO THE CAUSE OF HUMAN RIGHTS THROUGHOUT THE WORLD. OUR BEST HOPE FOR NUDGING THE POLES ALONG THE PATH OF INCREASING OBSERVANCE OF HUMAN RIGHTS LIES IN OUR EFFECTIVE SUPPORT FOR DETENTE IN EUROPE, IN THE IMPACT OF A FREE PRESS ON WESTERN OPINION CONCERNING HUMAN RIGHTS IN POLAND, AND IN OUR QUIET DIPLOMACY WITH POLISH OFFICIALS, STRESSING THE VALUE TO THEIR GOVERNMENT'S INTERNAL STABILITY AND STANDING IN THE WORLD OF GOOD PERFORMANCE IN THE HUMAN RIGHTS AREA.

2. REACTION TO HUMAN RIGHTS POLICY:

THE POLISH GOVERNMENT JOINED OTHER WARSAW PACT STATES IN MOUNTING A PRESS CAMPAIGN AGAINST U.S. HUMAN RIGHTS STATEMENTS AND POLICIES. HOWEVER, ACTUAL BILATERAL DISCUSSIONS WITH POLISH OFFICIALS REVEAL THAT THE POLES' CONFIDENTIAL

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MAIN CONCERN IS THE IMPACT ON POLISH POLICIES OF THE SOVIET REACTION TO OUR HUMAN RIGHTS ATTITUDE AND NOT WITH THEIR OWN VULNERABILITY TO CRITICISM FOR SHORTCOMINGS IN THIS AREA. OUR EMBASSY IN WARSAW AND THE DEPARTMENT HAVE REFLECTED U.S. HUMAN RIGHTS POLICY BY STRESSING WITH RELEVANT GOVERNMENT AND PARTY OFFICIALS AT EVERY OPPORTUNITY THE ESSENTIALITY OF GREATER POLISH RESPONSIVENESS TO PASSPORT APPLICATIONS BY MEMBERS OF DIVIDED FAMILIES IF THE U.S. AND POLAND ARE TO BE ABLE TO IMPROVE FURTHER THEIR BILATERAL RELATIONS, AS BOTH SIDES WISH. THE INTELLECTUAL DISSIDENTS IN POLAND HAVE WELCOMED OUR ACTIONS IN SUPPORT OF HUMAN RIGHTS AND HAVE RAISED THEIR OWN LEVEL OF ACTIVISM IN RECENT MONTHS. THE CATHOLIC CHURCH HAS NOT OPENLY ENDORSED OUR STAND BUT HAS USED THIS PERIOD OF EMPHASIS ON HUMAN RIGHTS PROBLEMS TO HIT THE POLISH LEADERSHIP FOR INSENSITIVITY TO HUMAN WANTS.

3. THE OFFICIAL POLISH REACTIONS TO OUR CAREFULLY MEASURED PRESSURE FOR ACTION ON DIVIDED-FAMILY CASES CAN RESULT IN POSITIVE IMPROVEMENTS OVER THE LONG TERM IN THIS AREA OF HUMAN RIGHTS. IT SHOULD BECOME CLEARER TO THE POLES THAT PROGRESS IN THIS MATTER IS ESSENTIAL TO THE U.S. AND THAT

THE ANTICIPATED LEVEL OF EMIGRATION WOULD HAVE LITTLE IMPACT ON THE POLISH ECONOMY. THE POLISH DISSIDENTS' STEPPED-UP ACTIVITY, WHICH CAN FAIRLY BE READ AS AN

ATTEMPT TO CAPITALIZE ON THE NEW HUMAN RIGHTS AWARENESS IN THE WORLD, CAN ON THE OTHER HAND HARM THE CAUSE OF GREATER LIBERALIZATION IN POLAND AND THUS SET BACK HUMAN RIGHTS IN THE VOLATILE POLISH SITUATION BY FRIGHTENING THE REGIME INTO A CRACKDOWN. THE CHURCH CAN BE COUNTED ON TO KEEP ITS OWN HUMAN RIGHTS REACTIONS TO OUR INITIATIVES MODERATE, SEPARATE FROM INTELLECTUAL DISSIDENT ACTIVITIES AND ESSENTIALLY NON-THREATENING TO REGIME STABILITY.

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4. THE IMPACT IN POLAND OF U.S. ACTIONS IN THE HUMAN RIGHTS CONTEXT DEPENDS LARGELY UPON THE ADROIT TAILORING OF OUR CAMPAIGN AS DISCUSSED ABOVE. THERE WILL UNDER THE BEST OF CIRCUMSTANCES BE SOME STRAIN ON OUR POLITICAL OBJECTIVE OF ENCOURAGING THE GROWTH OF WESTERN INFLUENCE IN POLAND AND THE MAXIMUM POSSIBLE INDEPENDENCE FROM SOVIET CONSTRAINTS. TOO MUCH PUBLICITY GIVEN TO OUR EFFORTS AND TO POLISH RESPONSIVENESS--OR LACK OF IT--COULD EASILY BE COUNTER-PRODUCTIVE AND LEAD THE POLES TO RESIST OUR PRESSURES. ONLY IF THE HUMAN RIGHTS SITUATION IN POLAND WERE TO WORSEN DRASTICALLY, A SITUATION WHICH WE DO NOT ANTICIPATE, AND U.S. HUMAN RIGHTS INITIATIVES VIS-A-VIS POLAND WERE THEREFORE TO BECOME FAR MORE DRASTIC THAN PRESSURE FOR DIVIDED-FAMILY ACTION, WOULD WE EXPECT TO SEE A SERIOUS IMPACT ON U.S.-POLISH RELATIONS. END DRAFT TEXT. VANCE

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